



**State of Delaware**  
**Public Employment Relations Board**  
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INTERNATIONAL BROTHERHOOD OF ELECTRICAL :  
 WORKERS, LOCAL 2270 (IBEW), :  
 : **Representation No. 13-11-930**  
 and :  
 :  
 DELAWARE TRANSIT CORPORATION. :

**NOTICE OF DISMISSAL OF CERTIFICATION PETITION**

IBEW Local 2270 petitioned to create and represent a bargaining unit consisting of:

**ALL MAINTENANCE AND SERVICE SUPERVISORS EMPLOYED BY  
 DART/DTC STATEWIDE** (excluding management employees and any  
 similar positions which are currently represented)

DTC objected to the creation of the proposed bargaining unit, asserting the positions were “supervisory” within the definition of 19 Del.C. §1302(s)<sup>1</sup>, and are therefore ineligible for representation pursuant to 19 Del.C. §1301(d).

Following two days of hearing during which documentary and testimonial evidence and argument were received, the following determination was made:

Based upon the record created by the parties and the specific circumstances unique to this case, there is persuasive support to conclude that Service Supervisors and Maintenance Supervisors employed in the Delaware Transit Corporation are “supervisory employees” within the meaning of 19 Del.C. §1302(s). Consequently, they are ineligible for representation for purposes of collective bargaining.

**WHEREFORE, this petition is hereby dismissed.**

A copy of the decision can be found on the PERB website, on the “2015 Decisions” page: <http://perb.delaware.gov/decisions/decisions2015.shtml>.

Deborah L. Murray-Sheppard  
 Executive Director, PERB

DATED: April 2, 2015

<sup>1</sup> §1302 (s) "Supervisory employee" means any employee of a public employer who has the authority, in the interest of the public employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such actions, if the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment.

*This Notice must be posted immediately and remain posted for thirty (30) days.*